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SUBJECT: TURKMENISTAN MOJ OFFICIALS INTRIGUED BUT  
NONCOMMITTAL ON COOPERATION AND EXCHANGES

[1](#)1. (U) Sensitive but unclassified. Not for public Internet.

[1](#)2. (SBU) SUMMARY: On December 7, Deputy Assistant Secretary (DAS) Erica Barks-Ruggles and other delegation members met with Ministry of Justice (MOJ) officials to discuss registration of religious groups and NGOs as well as various opportunities for possible cooperation. MOJ officials discussed requirements and procedures for registering religious groups. MOJ officials also indicated that they may be interested in exchanges between Turkmen and U.S. lawyers, particularly IVP programs and international conferences. They did not, however, have a response to any suggested programs and activities for cooperation either at this meeting or those given to the MOJ by USAID in October. MOJ also stated that it wants to reflect international and European standards on both the prosecutorial and defense sides of Turkmenistan's legal system, and said that "there should be an adversarial procedure in place." END SUMMARY.

#### REGISTRATION OF RELIGIOUS GROUPS

[1](#)3. (SBU) On December 7, Deputy Assistant Secretary (DAS) Erica Barks-Ruggles met with Ministry of Justice (MOJ) officials, including Chief of the Department of Information and Legal Assistance Kumush Gurbanyazova, Chief of Department on Foreign Relations and Registration of Public Organizations Serdar Valliyev, and Chief of Department on Registration of Regulations and Laws Amangeldi Orazov. The officials stated that registration of religious groups is regulated by the Law on Religion. Under this law, Turkmenistan's government will register a religious group comprised of up to 50 people, or a religious organization comprised of over 50 people. The Council on Religious Affairs reviews the application documents first, followed by the Ministry of Justice. The officials stated that an interagency commission issues final decisions on the registration of religious groups and organizations and noted the commission has registered two groups since September 2007. The delegation urged the MOJ to

accelerate registration procedures and make requirements clear, as a number of applications have been pending for years.

#### AMENDED CRIMINAL PROCEDURE CODE

¶4. (SBU) DAS Barks-Ruggles suggested that the United States could offer training on the amended criminal procedure code to prosecutors and judges, and on Rule of Law through USAID and other agencies. She noted that a series of proposals on these issues had been given to the Ministry by USAID in October and gave the MOJ participants another copy. Orazov mentioned that the Human Rights Commission and MOJ have discussed cooperation with the American Bar Association on legal education for lawyers and prosecutors. He added that he and his colleagues would pass the offers of assistance to their superiors.

#### TRAINING ON NGO REGISTRATION

¶5. (SBU) DAS Barks-Ruggles also suggested that the United States could offer assistance in streamlining the process of registering NGOs, including by holding seminars and supplying legal databases on how other countries treat NGOs. Susan Fertig-Dykes, Acting Director of Democracy/Governance and Social Transition at USAID, added that USAID offers workshops on taxation and registration of NGOs, monthly law seminars for the public, publication of local government legislation -- and all could be done in either the Russian and Turkmen languages. Gurbanyazova said that she thought that this assistance might be useful, and said that she supported lawyers exchanging ideas with one another, but was non-committal on specifics. DAS Barks-Ruggles said that the Embassy would follow up. (NOTE: Gurbanyazova participated

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in the Anti-Corruption Conference in June 2007 in Ashgabat, organized by DOS International Narcotics and Law Enforcement (INL) through DOJ's Office of Overseas Prosecutorial Development Assistance and Training Programs (OPDAT). She also traveled to Miami and Washington, D.C. on an OPDAT rule-of-law study tour in November 2006. END NOTE.)

#### TURKMENISTAN CLAIMS MEMBERSHIP IN REGISTERED RELIGIOUS GROUPS NOT NECESSARY

¶6. (SBU) Orazov noted that, according to Article 11 of Turkmenistan's Constitution, it is not necessary to belong to a registered group in order to freely practice religion. DAS Barks-Ruggles acknowledged that some religious organizations did not want to register, but added that the American government wants all those who wish to do so to be registered in a timely manner. Orazov said that his government is always willing to register organizations, "if their ideas do not contradict the interests of the government." Gurbanyazova claimed that the MOJ is willing to work with groups wanting to register and even offers assistance on questions about the registration process. Barks-Ruggles urged them to accelerate registration processes.

#### TURKMENISTAN AIMS TO MEET INTERNATIONAL LEGAL STANDARDS

¶7. (SBU) DAS Barks-Ruggles said that the U.S. government wants to help Turkmenistan meet international standards for treaty obligations, both in the legal sense and the human rights sense. Orazov said that his government discussed this at "the conference in 2005." (NOTE: Orazov was referring to an OPDAT-organized conference on criminal justice sector reform. Participants included American judges and attorneys, five Turkmen government agencies, and officials from Russia's State Duma, Ministry of Internal Affairs, and a law institute. END NOTE.) Orazov stated that the MOJ wants to reflect international and European standards on both the prosecutorial and defense sides, with both sides being equal. She added that "there should be an adversarial procedure in place." DAS Barks-Ruggles said that the American side would

be willing to follow up on the 2005 seminar as Turkmenistan revises its criminal procedure code. Orazov also noted that he is a member of a government working group to amend Turkmenistan's criminal procedure code.

18. (SBU) COMMENT: In Turkmenistan, acknowledgment of the utility of exchange of ideas with American lawyers represents progress. The meeting, however, did not result in any specific commitments as the MOJ officials were clearly not empowered to agree to any assistance programs. We will have to continue to press them to see if we can move forward on any of the outstanding USG proposals. We should, however, focus on working with civil society, activists in the judiciary, and lawyers to improve rule of law, their skills, and their access to information as a first step. END COMMENT.  
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